

(Ref. 95-7/03: Pub. 605)

FORM 9-33

9-203

Practitioner's Docket No. 107059-0033**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Alan J. Soucy**Application No.: **10 / 607,699** Group No.: **3751**Filed: **June 27, 2003**

For:

Examiner: **Timothy Lewis Maust**Date of mailing "Notice of Allowance and
Base Issue Fee Due" **August 8, 2005**Batch No. 7710**FAX RECEIVED****NOV 21 2005****OFFICE OF PETITIONS**Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID
(37 C.F.R. § 1.313(c))**

NOTE: "Any petition filed under 37 C.F.R. 1.313(b) to withdraw an application from issue after payment of the issue fee should be clearly marked "Petition under 37 C.F.R. 1.313(b)" and be wither submitted by facsimile or hand-carried to the Office of Petitions (see M.P.E.P. § 1730 for the facsimile number and location)." M.P.E.P., § 1308, 8th Edition.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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- ☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)**37 C.F.R. § 1.10 ***

- ☐ with sufficient postage as first class mail.

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TRANSMISSION

- ☒ facsimile transmitted to the Patent and Trademark Office, (703) 571-273-0025

Signature

Elaine CruzDate: **11/21/2005**

(type or print name of person certifying)

11/22/2005 AKELLEY 00000014 031237 10607699

01 FC:1464

130.00 DA

Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: In the Notice of May 9, 2000 "Patents to Issue within Twelve Weeks after Satisfaction of All Outstanding Requirements, Including Issue Fee Payment and Corrected Drawings" [OG, May 9, 2000, page 39] the PTO pointed out the following:

The USPTO implemented the new patent publication system. . . . Under this current patent publication system, the electronic capture of most of the information to be printed on the patent begins soon after the allowed application is received in the Office of Patent Publication, in advance of the satisfaction of outstanding requirements, i.e., issue fee and drawings. The application file is not available for any further processing during this initial electronic capture process. In order to implement the new publication system efficiently, the USPTO encourages applicants to take steps to minimize disruptions in the printing process. The USPTO encourages applicants to file items such as amendments, information disclosure statements, petitions, and corrected or formal drawings as soon as possible during examination of patent applications instead of during the post-allowance time frame. If papers are filed after allowance, please allow at least six weeks after the Notice of Allowance and Issue Fee Due has been received before inquiring about any post allowance correspondence.

PETITION

1. Applicant hereby petitions for the withdrawal of this application from issue.

PATENT ISSUE FEE

2. The issue fee for this case has been paid on September 15, 2005

(complete the following if known)

This application is scheduled to - **DATE NOT YET AVAILABLE**

- ☐ issue on _____.
- ☐ as patent _____.

REASON(S) FOR WITHDRAWAL REQUEST

NOTE: "Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable; (2) Consideration of a request for continued examination in compliance with § 1.114; or (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application." 37 C.F.R. § 1.313(c).

3. The reason for the request for withdrawal from issue is:

(check applicable item(s) below)

- (a) ☐ one or more of the claims are unpatentable.
- (b) ☒ consideration of a request for continued examination under § 1.114.
- (c) ☐ for express abandonment to permit consideration of an information disclosure statement under § 1.97 in a continuing application.
- (d) ☐ for express abandonment in favor of a continuing application.

Further details as to the reason(s) for this withdrawal request are set forth on the attached 2 sheet(s).

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 2 of 3)

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AMENDMENT

NOTE: Any amendment accompanying a petition to withdraw an application from Issue should comply with the requirements of § 312 (Amendment after allowance).

4. ☐ Accompanying this petition is an amendment.

PETITION FEES**5. PETITION FEES (37 C.F.R. § 1.17(h))**

The fee set forth in § 1.17(h), required by 37 C.F.R. § 1.313(a), is paid as follows:

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☒ Authorization is hereby made to charge the amount of \$ 30.00, Sec. 3.17(h)
- ☒ to Deposit Account No. 03-1237
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 30,585

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Rita M. Rooney
SIGNATURE OF PRACTITIONER

Rita M. Rooney
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Plus 3 Added Pages

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 3 of 3)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Alan J. Soucy)
Serial No.: 10/607,699) Examiner: Maust, Timothy Lewis
Filed: June 27, 2003) Art Unit: 3751
For: METHODS OF PROVIDING)
REFUELING FOR FUEL CELL-
POWERED DEVICES)

FAX RECEIVED

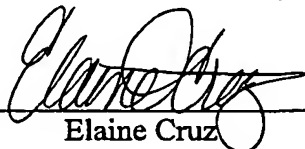
NOV 21 2005

Cesari and McKenna, LLP
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OFFICE OF PETITIONS

CERTIFICATE OF TRANSMISSION

I hereby certify that the following paper is being facsimile transmitted to the Patent and Trademark Office on November 21, 2005, to 571-273-0025, and confirmation copy via Express Mail.


Elaine Cruz

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**STATEMENT OF REASONS IN SUPPORT OF PETITION FOR WITHDRAWAL
FROM ISSUE**

Applicants have filed herewith a Petition for Withdrawal From Issue Under 37 C.F.R. § 1.313(c)(2). For the record, Applicants wish to state the following reasons in support of that Petition.

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Applicants filed the present application with the PTO on June 27, 2003, and were granted a foreign filing license as indicated on the filing receipt issued by the PTO. A Recission of Previous Non-Publication Request Under 35 U.S.C. § 122(b)((2)(B)(iii) was filed on June 24, 2004. On June 25, 2004, Applicants filed a PCT application, which claimed priority from the present application, with the US Receiving Office and designated the European Patent Office (EPO) as the International Searching Authority.

On August 8, 2005, a Notice of Allowance and Fee(s) Due was mailed by the PTO to counsel for Applicants, making payment of the issue fee due not later than November 8, 2005. On September 15, 2004, Applicants paid the issue fee.

On October 14, 2005, counsel for Applicants received an International Search Report and accompanying references for a PCT application which is a counterpart to the present application. Due to docketing and processing time, counsel for Applicants first became aware of the International Search Report on November 15, 2005. Counsel immediately contacted the PTO to ascertain when the patent was expected to issue, and was advised that the issue date was not yet assigned, and was further advised that a petition to withdraw from issue (based on a request for continued examination) could be granted within the remaining time.

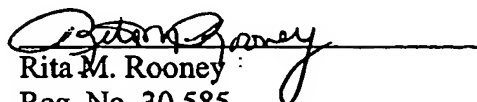
Applicants have proceeded diligently with respect to both the present application and the PCT application and respectfully request that their Petition for Withdrawal From Issue be granted.

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Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,


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Web Site
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FACSIMILE COVER SHEET

107059-0033

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TOTAL PAGES WITH COVER:	11
TO:	Mail Stop 313(c)
FIRM:	U.S. Patent Office
FACSIMILE NUMBER:	(571) 273-0025
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FROM:	Rita M. Rooney
COMMENTS:	

RE: 10/607,699

PETITION FOR WITHDRAWAL FROM ISSUE – ISSUE FEE PAID

SPECIAL INSTRUCTIONS:

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